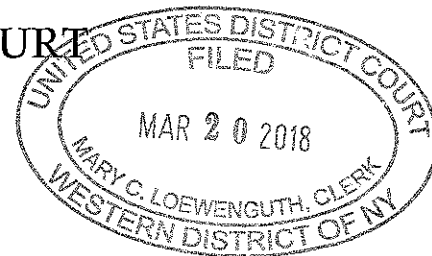


## UNITED STATES DISTRICT COURT

for the  
Western District of New York

## In the Matter of the Search of

(Briefly describe the property to be searched or identify the person by name and address.)

Case No. 18-MJ- 564

Citizens Bank, NA Safe Deposit Box # 4974,  
located at the Westgate Branch, 2042 Chili Ave,  
Rochester, New York 14624

## APPLICATION FOR A SEARCH WARRANT

I, JERRY S. STYERS, a U.S. Postal Inspector, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the Western District of New York (identify the person or describe property to be searched and give its location):

The subject property to be searched: **Citizens Bank, NA Safe Deposit Box # 4974, located at the Westgate Branch, 2042 Chili Ave, Rochester, New York 14624.**

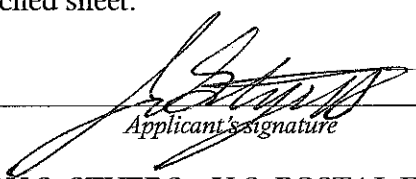
The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized): **See Attachment A for the Items to be Seized, all of which are fruits, evidence and instrumentalities related to narcotics trafficking and distribution in violation of Title 21, United States Code, Sections 841 and 846, and/or money laundering in violation of Title 18, United States Code, Section 1956(h).**

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of **Title 21, United States Code, Sections 841 and 846, and/or a violation of Title 18, United States Code, Section 1956(h)** and the application is based on these facts which are continued on the attached sheet.

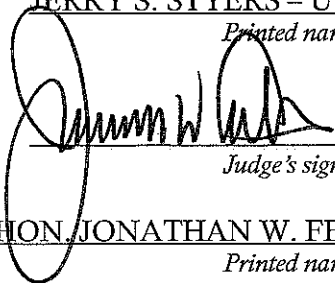
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
 Applicant's signature

JERRY S. STYERS – U.S. POSTAL INSPECTOR

Printed name and title

Sworn to before me and signed in my presence.

Date: March 26, 2018
  
 Judge's signature
City and State: Rochester, New York

HON. JONATHAN W. FELDMAN, U.S. Magistrate Judge

Printed name and title

## ATTACHMENT A

### ITEMS TO BE SEARCHED FOR AND SEIZED

- a. Financial records: including but not limited to documents, records, and items related to narcotics trafficking. Such records are to include accounting records, such as financial statements, ledgers, journals, invoices, credit card records, check registers, stamps, notes, correspondence, and records of business and personal expenditures; records reflecting income; and records evidencing the receipt or disbursement of funds.
- b. Bank records: including but not limited to account opening documents, statements, deposit tickets, cancelled checks, check registers, receipt books, wire transfers, official checks, cashier's checks, money orders, investment statements, foreign banking records, and safe deposit box records and keys;
- c. Customer Lists: in any form, including lists of telephone numbers, addresses, rolodexes, calendars, and appointment books.
- d. Business and personal records: including customer profiles and contact information, telephone scripts, telephone logs, telephone messages, calendars, calendar entries, diaries, client debt portfolios, lists of debtors, and debt payment details, correspondence, mailing envelopes, notes, memoranda, and/or mailing records;
- e. Currency or other monetary instruments.
- f. Photographs depicting any co-conspirators.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE SEARCH OF:

18-

Citizens Bank, NA Safe Deposit Box # 4974,  
Westgate Branch, 2042 Chili Ave, Rochester, New York 14624

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STATE OF NEW YORK    )  
COUNTY OF MONROE    )       ss:  
CITY OF ROCHESTER    )

**AFFIDAVIT IN SUPPORT OF SEARCH AND SEIZURE WARRANT**

Jerry S. Styers, being duly sworn, deposes and states:

1. I am a United States Postal Inspector for the United States Postal Inspection Service (USPIS) and have been so employed since September 2006. I am currently assigned to the Buffalo, New York field office. In my capacity as a Postal Inspector, I have completed training in the investigation and prosecution of violations of federal statutes within the investigative jurisdiction of the Postal Inspection Service, to include: mail theft, identity theft, narcotics trafficking, fraud, financial crimes, and child exploitation. I am currently assigned to the Prohibited Mail/Fraud Team with the responsibility of investigating violations of federal laws where the U.S. Mails are used to facilitate money laundering. In addition, I also have the responsibility of investigating violations of federal laws where the U.S. Mails are used to transport prohibited items, including controlled substances, which have been sent from locations within and outside of the United States. I have participated in investigations that have resulted in the arrest of individuals who have distributed and received controlled substances, as well as the seizure of illegal narcotics.

2. In my capacity as an Inspector with the Postal Inspection Service, I work closely with a team of Postal Inspectors who have investigated numerous narcotics crimes involving the United States Mail. I have consulted with those Postal Inspectors and other law enforcement agents regarding this investigation, and as a result, when I refer to what another Postal Inspector and or law enforcement officer has done, observed or heard, I am doing so based upon my discussion with that individual, or by reading his or her reports or letters.

### LOCATION TO BE SEARCHED

3. This affidavit is made in support of a search warrant for a **Safe Deposit Box #4974**. **Safe Deposit Box #4974**, is located at the Citizens Bank, Westgate Branch, 2042 Chili Ave, Rochester, New York 14624. The Safe Deposit Box is registered in the name of PATHANA VONGXAY.

### BACKGROUND AND PROBABLE CAUSE

4. This affidavit is made in support of a search warrant for fruits, records, instrumentalities and evidence of violations of the federal narcotics laws and federal money laundering laws. Specifically, this warrant is requested in connection with an ongoing investigation of violations of federal law, including, but not limited to, Title 21, United States Code, Sections 841(b)(1)(B) and 846 (conspiracy to possess with intent to distribute and to distribute 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana), and Title 18, United States Code, Section 1956(h) (money laundering conspiracy). This investigation is being conducted by United States Postal Inspectors and New York State Police (NYSP) (collectively hereinafter, the "investigating agencies").

5. The information in this affidavit is based upon my knowledge obtained through my personal participation in this investigation, reports and information received from other law enforcement agents and agencies. I have participated in this investigation since its inception and am familiar with all aspects of this investigation. Since this affidavit is being submitted for the limited purpose of obtaining a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish the required foundation for the requested warrant.

6. On March 5, 2018, this Court signed a Criminal Complaint against, and an Arrest Warrant for, PATHANA VONGXAY. The Complaint charges her (along with 12 others) with conspiracy to possess with intent to distribute, and to distribute, 100 kilograms or more of Marijuana between in or about January 2016 and March 2018, in violation of Title 21, United States Code, Sections 841(b)(1)(B) and 846. That Complaint has been unsealed as to 12 of the 13 defendants, but remains sealed as to PATHAN VONGXAY. As of the writing of this affidavit, VONGXAY has not yet been arrested.

7. Based on my training, my experience, my participation in numerous other narcotic investigations, my participation in this investigation, and my discussions with other experienced law enforcement officers, I have learned that:

- a. Traffickers of controlled substances commonly maintain records, notes, and other papers relating to drug trafficking, some of which may be in code, including but not limited to sales receipts, shipping labels, shipping receipts, shipping boxes, order forms, storage receipts, records, operating manuals, computer records, publications, notes, checks, money orders, and money

transfer receipts. The aforementioned records, notes, and other papers are commonly maintained where the drug possessor/trafficker has ready access to them, such as on their person, or in their homes, garages, vehicles or businesses, or even in electronic storage devices, including, but not limited to computers, computer storage disks, palm pilots, and cellular telephones;

- b. Traffickers of controlled substances commonly maintain books or papers that reflect addresses or telephone numbers for their associates or sources of supply and such items may be in code. The above addresses and telephone numbers may also be stored in electronic storage mediums, including but not limited to cellular telephones, palm pilots, computers, and computer storage disks;
- c. Traffickers of controlled substances commonly take, or cause to be taken, photographs/videos of themselves, their associates, their property, their drugs, or their firearms, and usually maintain these photographs/videos in their residences. The above photographs/videos may also be stored in electronic storage mediums, including but not limited to cellular telephones, digital cameras, palm pilots, home computers, and computer storage disks;
- d. Traffickers of controlled substances commonly hide contraband; proceeds of drug sales, including currency, financial instruments, precious metals, jewelry, and other items of value; and records of drug transactions, drug sources, and drug customers in secure locations such as within their residences, garages, vehicles, safe deposit boxes, businesses and storage areas for ready access and to conceal such items from law enforcement authorities;
- e. Traffickers of controlled substances must maintain, on hand, United States currency or other equivalent forms of monetary instruments in order to maintain and finance their ongoing drug business and the proceeds of drug trafficking often contain traces of the narcotics sold or bought by the drug dealers;
- f. When traffickers of controlled substances amass large proceeds from the sale of drugs, they attempt to legitimize these profits by utilizing banks, and their attendant services: securities, cashier's checks, money drafts, letters of credit, brokerage houses, real estate, safety deposit boxes, and business fronts, among other things;
- g. Traffickers of controlled substances often place assets in names other than their own to avoid detection of those assets by government agencies while

continuing to use those assets and exercise dominion and control over them;

- h. The conversion or disposition of large amounts of cash at financial institutions is problematic for drug traffickers due to banks' currency reporting requirements;
- i. Money laundering is the "washing" of illegal proceeds in order to disguise its true source, i.e., to conceal the underlying illegal activity by which the proceeds were generated.

8. **PATHANA VONGXAY** is a 37-year-old Asian female and co-conspirator in this investigation. **VONGXAY** resides at 701 Summit Lane, Lathrop CA, 95330 and frequently travels to Rochester, NY. A search of law enforcement databases and Postal records also revealed a prior address for **VONGXAY** of 1212 West Commonwealth Avenue, Fullerton CA, 92833. When she is in Rochester, she stays at 10 Campbell Park, Rochester, New York 14606. She assists **KHONESAVANH VONGXAY** in running the day-to-day operations of a drug trafficking organization in Rochester, New York. She has been observed transferring suspected bags of marijuana from the residence of 10 Campbell Park to various vehicles associated with 10 Campbell Park and 75 Barker Street, Rochester, New York 14611. She has also been observed leaving from and arriving to 10 Campbell Park with suspicious parcels in rental vehicles. Since March 6, 2014, there have been eighty-eight (88) Priority Mail Express envelopes suspected of containing money orders mailed from Rochester, New York to 701 Lone Summit Lane, Lathrop, California 95330. In addition, during that same period, over one-hundred (100) suspected drug parcels have been mailed from Fullerton, California to addresses throughout the Rochester, New York area.

9. On August 28, 2017 KHONESAVANH VONGXAY and co-conspirator DANISHA FLOYD flew to Laos. Prior to that departure, surveillance officers noticed the return of PATHANA VONGXAY from California. Since PATHANA VONGXAY spends most of her time at a residence in California, it is believed that she returned to Rochester to assist in operating the organization in the absence of KHONESAVANH VONGXAY. This belief was buttressed by the fact that New York State Police ("NYSP") surveillance observed PATHANA VONGXAY at 10 Campbell Park loading and unloading various vehicles with black garbage bags that appeared full and distended with contents, and matched the appearance of previous bags believed to contain marijuana, before and after the departure of KHONESAVANH VONGXAY and PATHANA VONGXAY to Laos. The period during which KHONESAVANH VONGXAY and PATHANA VONGXAY, worked in unison, appeared to be an apprenticeship to prepare PATHANA VONGXAY for operating the day-to-day business of the organization.

10. In reviewing rental vehicles utilized by PATHANA VONGXAY, it was discovered that her California driver's license listed her home address as 701 Lone Summit Lane, Lathrop, California 95330. Her New York State driver's license records list her home address as 10 Campbell Park, Rochester, New York 14606. As previously stated, since September 2015, eighty-eight (88) Priority Mail Express envelopes suspected of containing money orders have been mailed from Rochester, New York to 701 Lone Summit Lane. In addition, ten (10) parcels matching the characteristics of packages known to contain marijuana have been mailed from Lathrop, California to Rochester. For example, parcels sent from Lathrop, California to Rochester were between 11 and 22 pounds for an average



weight of over 15 pounds per parcel, which are consistent in size to many of the parcels your affiant has seized that contained marijuana.

11. During a review of video from August 18, 2017 in the lobby of the Westgate Post Office in Rochester, New York, I noticed PATHANA VONGXAY making structured purchases of Postal money orders. More specifically, PATHANA VONGXAY purchased five (5) money orders for \$500.00 each for a total money order transaction amount of \$2,506.00, just under the USPS reporting requirement for Bank Secrecy Act purposes.

12. On July 26, 2017, PATHANA VONGXAY opened Safe Deposit Box #4974, at the Citizens Bank, Westgate branch, 2042 Chili Ave, Rochester, New York 14624. PATHANA VONGXAY is the only person listed on the rental agreement, meaning that she is the only person allowed access to this safe deposit box. According to Citizens Bank Safe Deposit entrance records, PATHANA VONGXAY accessed this safe deposit box on the following dates; July 26, 2017, August 22, 2017, August 28, 2017, September 8, 2017, September 20, 2017, and November 15, 2017. Your affiant is not aware of any access by VONGXAY, or anyone else, after November 15, 2017.

13. With regard to the dates of entry by PATHANA VONGXAY into the safe deposit box, your affiant believes that PATHANA VONGXY utilizes this safe deposit box, at least in part, in connection with her drug trafficking efforts.

14. Based upon my experience investigating this case, your affiant believes that VONGXAY assisted in running a drug trafficking organization in Rochester, New York in the absence of KHONESAVANH VONGXAY. As mentioned above, PATHANA VONGXAY returned to Rochester in August 2017 from her residence in California during a period when KHONESAVANH VONGXAY was visiting Laos. During this period, PATHANA VONGXAY was observed loading and unloading various vehicles with black garbage bags that appeared full and distended with contents, and matched the appearance of previous bags believed to contain marijuana. In addition, she was observed making structured purchases of money orders in furtherance of the trafficking operations. A review of access records for Citizens Bank, NA Safe Deposit Box # 4974, Westgate branch, 2042 Chili Ave, Rochester, New York 14624 shows that PATHANA VONGXAY accessed the Safe Deposit Box during the period she was helping to run the drug trafficking organization, including on August 28, 2017 – the day that KHONESAVANH VONGXAY and co-conspirator DANISHA FLOYD left for Laos. Since the Safe Deposit Box was opened upon her arrival back to Rochester, New York, and accessed largely during the period that she was either working with or working in place of KHONESAVANH VONGXAY, I believe that PATHANA VONGXAY obtained and stored the proceeds from the sale of marijuana in this safe deposit box, and/or accessed this Safe Deposit Box for the purpose of obtaining funds for the purchase of money orders and marijuana.

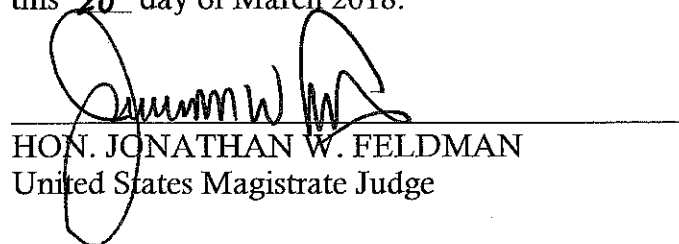
15. Based on my experience, I am aware that narcotics trafficking is largely a cash business. In my experience, individuals who receive significant income from illegal occupations will often attempt to hide their assets and protect them from seizure by law

enforcement. It is also my experience that individuals involved in illegal occupations often store the funds which represent the proceeds of these offenses in the form of currency, money orders, other monetary instruments, or precious metals or jewelry, and such items are commonly secured in safe deposit boxes.

**WHEREFORE**, based upon all of the foregoing, your affiant has probable cause to believe that the items listed in the annexed Schedule of Items to be Seized, which is incorporated by reference as if fully repeated here, are presently concealed and will be found at the Citizens Bank Safe Deposit Box #4974, Citizens Bank, Westgate branch, 2042 Chili Ave, Rochester, New York 14624. and that those items are evidence, records, fruits, and instrumentalities of violations of Title 21, United States Code, Sections 846 (conspiracy to distribute marijuana); and Title 18, United States Code, Section 1956(h) (money laundering conspiracy).

  
JERRY STYERS  
Postal Inspector

Subscribed and sworn to before me  
this 20 day of March 2018.

  
HON. JONATHAN W. FELDMAN  
United States Magistrate Judge